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APPLICATION NO.	F	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,119		05/04/2001	Donald E. Ackley	264/036	1949
34263	7590	07/09/2003	. •		
O'MELVE		-	EXAMINER		
	4 PACIFICA, SUITE 100 VINE, CA 92618			MARSCHEL, ARDIN H	
				ART UNIT	PAPER NUMBER
				1631	9
			·	DATE MAILED: 07/09/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Office Action Summary Examiner		A surling No.	Anglicont(a)					
Examiner Action Marschel - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Expirations of time may be available under the appoisions of 37 CFR 1.138(a). In no event, involvem, may a reply be timely filed - If the period from thy specified solve, the maximum databaticy priorited will apply and will capter SK (8) MXN/TSF from The realing date of this communication. - If the period for reply is applied above, the maximum databaticy priorited will apply and will capter SK (8) MXN/TSF from The realing date of this communication. - If the period for reply is applied above, the maximum databaticy priorited will apply and will capter SK (8) MXN/TSF from The realing date of this communication. - Any reply received by the office little three members after the mailing date of this communication, even if timely filled . may reduce any series papears them adjustment. See 37 CFR 1.704(a). Status 1) □ Responsive to communication(s) filed on 28 April 2003. 2a) □ This action is FINAL. - 2b) □ This action is format matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O. G. 213. Disposition of Claims 4) □ Claim(s) 1-53 and 56-73 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) □ Claim(s) 1-11,51-32-2-53 and 56-73 is/are rejected. 7) □ Claim(s) 1-11,51-32-2-53 and 56-73 is/are rejected. 7) □ Claim(s) 1-11,51-32-2-53 and 56-73 is/are rejected to. 8) □ The specification is objected to by the Examiner. Application Papers 9) □ The specification is objected to the drawing(s) be haid in aboyance. See 37 CFR 1.85(a). 11) □ The proposed drawing correction filed on is/are: a) □ accepted or b) □ objected to by the Examiner. If approved, corrected drawings are required in reply to this Office action. 120 □ The oath or d	•	Application No.	Applicant(s)					
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- The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MALING DATE OF THIS COMMUNICATION. Extensions of them reply to available under the provisions of J CRF 1.136(a). In no event, however, may a reply be timely field before the provisions of J CRF 1.136(a). In no event, however, may a reply be timely field before the provisions of the provisions of J CRF 1.136(a). In no event, however, may a reply be timely field before the provision of	Oπice Action Summary	Examiner	Art Unit					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be unablable under the provisions of 37°GH 1.35(a). In no event, however, may a reply be timely field - Extensions of time may be unablable under the provisions of 37°GH 1.35(a). In no event, however, may a reply be timely field - Extensions of time may be unablable under the provisions of 37°GH 1.35(a). In no event, however, may a reply be timely field - Extensions of time may be unablable under the provisions of 37°GH 1.35(a). In no event, however, may a reply be timely field - If NO period for reply is a specified above. The maximum statutory pained will apply within the statutory minimum of thinty (30) days will be sometimely under the specified above. The maximum statutory pained will apply apply within the statutory under any event of timely filled, may reduce any example plant term adjustment. See 37 CFR 1.704(a). - Status 1)								
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DETAILED ACTION

Applicants' arguments, filed 4/28/03, have been fully considered but they are not deemed to be persuasive. Rejections and/or objections not reiterated from previous office actions are hereby withdrawn. The following rejections and/or objections are newly applied. They constitute the complete set presently being applied to the instant application.

Title

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The presently pending claims are only directed to systems whereas, in contrast, the title includes both systems and methods.

Vagueness and Indefiniteness

Claims 22-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the last two lines of claim 22, the phrase "the conductive solution current" lacks clear antecedent basis as to the presence of such a current. Clarification via clearer claim wording is requested. This rejection also applies to claimed directly or indirectly dependent from claim 22 due to their respective dependencies.

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in-
- (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
- (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-11, 15-19, 36-53, and 56-73 are rejected under 35 U.S.C. 102(b) and (e)(2) as being clearly anticipated either by Stettner et al. (P/N 5,696,577) or Wertz et al. (P/N 4,448,534).

Stettner et al. summarizes the invention in the abstract as being directed to imaging of light transmitting or reflecting objects in a biological tissue which is deemed a solution including charged biological materials. This is further supported in column 1, lines 15-33, wherein discussion of fish, reefs etc. is disclosed as such radar sampling targets. The BRIEF DESCRIPTION OF THE PRESENT INVENTION section in column 3, line 66, through column 4, line 2, connects the invention usage to said column 1 descriptions. The array of Stettner et al. utilizes unit cells with row and column selectors for addressing, including shift register memory, as disclosed in column 5, lines 43-67, as also required in the instant invention. The outputs of these registers for row and column

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selection generates variable current depending on which row and/or column is selected as required in instant claim 11, for example. Therefore, the instant claims as listed above are anticipated.

Similarly, Wertz et al. summarizes the detection of drugs and microorganisms in the abstract via wells in an array as is also disclosed in column 15, lines 1-27. Also, similar to the above reference, row and column selection circuitry is disclosed in column 16, lines 32-66. Therefore, the instant claims as listed above are anticipated.

Claim Objections

. Claims 12-14, 20, and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

No claim is allowed.

Papers related to this application may be submitted to Technical Center 1600 by facsimile transmission. Papers should be faxed to Technical Center 1600 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993)(See 37 CFR § 1.6(d)). The CM1 Fax Center number is either (703)308-4242 or (703)305-3014.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ardin Marschel, Ph.D., whose telephone number is (703)308-3894. The examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward, Ph.D., can be reached on (703)308-4028.

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Any inquiry of a general nature or relating to the status of this application should be directed to Legal Instrument Examiner, Tina Plunkett, whose telephone number is

(703)305-3524 or to the Technical Center receptionist whose telephone number is (703) 308-0196.

July 7, 2003

ARDIN H. MARSCHEL

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PRIMARY EXAMINER